

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty's Dkt: RICHAUD1

In re Application of:
Pierre RICHAUD et al.
Serial No. 10/593,265
IA Filing Date: 03/18/2005
For: GENETICALLY MODIFIED PLANTS AND THEIR...

) Application Division
) **ATTN: PCT**
) Washington, D.C.
) Confirmation No. 6451
) Date: October 7, 2008

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Missing Parts
401 Dulany Street
Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF DEFECTIVE RESPONSE"..." dated September 15, 2008.

Attached hereto is/are:

[] An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title and priority information.
[XX] Supplemental Preliminary Amendment [XX] Fees are reduced due to elimination of claim multiple dependencies.
[] Copy of the "Sequence Listing" in computer readable form (CRF) and statement that contents of the CRF are the same as the paper copy.
[XX] Additional fees as calculated below:

[X] Search fee	\$		
[X] Examination fee	\$		
Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$		
Number of each additional 50 pages or fraction thereof (round up to a whole number)	RATE		
	X \$270.00		
Number of Claims Previously Paid For	Number of Extra Claims	Rate	
28- 20 =	8	X \$ 52.00	\$416.00
2- 3 =		X \$220.00	\$
Multiple Dependent Claims (if applicable)		+ \$390.00	\$
TOTAL OF ABOVE CALCULATIONS		\$	
Reduction of $\frac{1}{2}$ for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.		<\$>	
SUBTOTAL		\$416.00	
Processing fee of \$130.00 for late furnishing of the English translation.		\$	
TOTAL NATIONAL FEE		\$416.00	

[] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity Response Filed Within	Other Than Small Entity Response Filed Within
[] First - \$ 65.00	[] First - \$ 130.00
[] Second - \$ 245.00	[] Second - \$ 490.00
[] Third - \$ 555.00	[] Third - \$1,110.00
[] Fourth - \$ 865.00	[] Fourth - \$1,730.00
[] Fifth - \$1175.00	[] Fifth - \$2,350.00

month after time period set

month after time period set

[XX] Conditional Petition for Extension of Time: If any extension of time for a response is required, applicant requests that this be considered a petition therefor.
[] Electronic payment in the amount of **\$416.00** is being made by credit card to cover the required fees.
[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By:


Anne M. Kornbau
Registration No. 25,884